

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

GARRETT LEE JONES,

CIVIL NO. 15-2679 (JRT/JSM)

Plaintiff,

v.

REPORT AND RECOMMENDATION

JOHN EGELHOF; DONAVON WIND;
THOMAS B. HEFFELFINGER; ERICA H.
MACDONALD; U.S. MARSHALL,
Unknown; ANN D. MONTGOMERY;
RED LAKE TRIBAL LAW & JUSTICE;
BUREAU OF INDIAN AFFAIRS; RED
LAKE TRIBAL POLICE OFFICERS,
Unknown; and MIKE GRAVES,

Defendants.

JANIE S. MAYERON, United States Magistrate Judge

Plaintiff Garrett Lee Jones commenced this action by filing a complaint raising civil-rights claims against the named defendants. In an order dated June 15, 2015, this Court ordered that Jones pay an initial partial filing fee of at least \$55.28 within 20 days, failing which this Court would recommend that this action be dismissed without prejudice for failure to prosecute. See Docket No. 3; Fed. R. Civ. P. 41(b). Jones later requested an additional 14 days in which to pay the initial partial filing fee. See Docket No. 4. This Court granted Jones's request for an extension of the filing fee deadline and gave Jones until July 24, 2015 to pay the initial partial filing fee. See Docket No. 6.

That deadline has now passed, and Jones has not yet paid the required initial partial filing fee. In fact, this Court has not heard from Jones at all in this matter since his request for an extension of time. Accordingly, this Court now recommends, in accordance with its prior order, that this action be dismissed without prejudice under

Rule 41(b) for failure to prosecute. See *Henderson v. Renaissance Grand Hotel*, 267 Fed. App'x 496, 497 (8th Cir. 2008) (per curiam) ("A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff's failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.").

RECOMMENDATION

Based on the foregoing, and on all of the files, records, and proceedings herein,

IT IS HEREBY RECOMMENDED THAT:

1. This action be DISMISSED WITHOUT PREJUDICE for failure to prosecute.
2. Plaintiff Garrett Lee Jones's application to proceed *in forma pauperis* [Docket No. 2] be DENIED AS MOOT.

Dated: August 3, 2015

s/ Janie S. Mayeron
JANIE S. MAYERON
United States Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), "a party may file and serve specific written objections to a magistrate judge's proposed finding and recommendations within 14 days after being served a copy" of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. LR 72.2(b)(2). All objections and responses must comply with the word or line limits set for in LR 72.2(c).

Under Advisement Date: This Report and Recommendation will be considered under advisement 14 days from the date of its filing. If timely objections are filed, this Report and Recommendation will be considered under advisement from the earlier of: (1) 14 days after the objections are filed; or (2) from the date a timely response is filed.